

Introduced by Senator Evans

(Principal coauthor: Assembly Member Yamada)

(Coauthor: Assembly Member Beall)

February 18, 2011

An act to amend Section 12301.25 of, and to repeal Sections 12305.73 and 12305.85 of, the Welfare and Institutions Code, relating to public social services.

LEGISLATIVE COUNSEL'S DIGEST

SB 930, as introduced, Evans. In-home supportive services: enrollment and fingerprinting requirements.

Existing law provides for the county-administered In-Home Supportive Services (IHSS) program, under which qualified aged, blind, and disabled persons are provided with services in order to permit them to remain in their own homes and avoid institutionalization. Existing law authorizes services to be provided under the IHSS program either through the employment of individual providers, a contract between the county and an entity for the provision of services, the creation by the county of a public authority, or a contract between the county and a nonprofit consortium.

Existing law provides for the Medi-Cal program, administered by the State Department of Health Care Services, under which health care services are provided to qualified low-income persons. Under existing law, IHSS recipients who are eligible for the Medi-Cal program, are provided with personal care option services, as defined, in lieu of receiving these services under the IHSS program.

Under existing law, the State Department of Social Services, in consultation with the county welfare departments, is required to develop protocols and procedures for obtaining fingerprint images of all

individuals who are being assessed or reassessed to receive supportive services, as specified. Existing law also requires the standardized time provider timesheet used to track the work performed by providers of in-home supportive services to contain specified information, including, effective July 1, 2011, designated spaces for the index fingerprints of the provider and recipient.

This bill would delete the requirements pertaining to obtaining fingerprint images of IHSS recipients, and the requirement that the provider timesheet include spaces for provider and recipient fingerprints.

Existing law requires an IHSS provider enrollment form to be completed using the provider's physical residence address, and prohibits the use of a post office box address. Existing law also prohibits a county from mailing a provider's paycheck to a post office box address, unless the county approves a provider request to do so, as specified.

This bill would delete the requirements and prohibitions relating to the use of a post office box address by an IHSS provider.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 12301.25 of the Welfare and Institutions
- 2 Code is amended to read:
- 3 12301.25. (a) Notwithstanding any other provision of law, the
- 4 standardized provider timesheet used to track the work performed
- 5 by providers of services under this article shall contain both of the
- 6 following:
- 7 (1) A certification to be signed by the provider and recipient,
- 8 verifying that the information provided in the timesheet is true and
- 9 correct.
- 10 (2) A statement that the provider or recipient may be subject to
- 11 civil penalties if the information provided is found not to be true
- 12 and correct.
- 13 (b) A person who is convicted of fraud, as defined in subdivision
- 14 (a) of Section 12305.8, resulting from intentional deception or
- 15 misrepresentation in the provision of timesheet information under
- 16 this section shall, in addition to any criminal penalties imposed,
- 17 be subject to a civil penalty of at least five hundred dollars (\$500),
- 18 but not to exceed one thousand dollars (\$1,000), for each violation.

1 ~~(e) Effective July 1, 2011, the standardized provider timesheet~~
2 ~~shall also contain designated spaces for the index fingerprint of~~
3 ~~the provider and the recipient. The provider and the recipient shall~~
4 ~~place their respective index fingerprint in the designated location~~
5 ~~on the timesheet in order for the timesheet to be eligible for~~
6 ~~payment. An individual who is a minor or who is physically unable~~
7 ~~to provide an index fingerprint due to amputation or other physical~~
8 ~~limitations shall be exempt from the requirement to provide an~~
9 ~~index fingerprint under this section, and documentation of this~~
10 ~~exemption shall be maintained in the recipient or provider file, as~~
11 ~~applicable.~~

12 SEC. 2. Section 12305.73 of the Welfare and Institutions Code
13 is repealed.

14 ~~12305.73. (a) The department, in consultation with the county~~
15 ~~welfare departments, shall develop protocols and procedures for~~
16 ~~obtaining fingerprint images of all individuals who are being~~
17 ~~assessed or reassessed to receive supportive services under this~~
18 ~~chapter.~~

19 ~~(b) (1) For any recipient whose initial client assessment occurs~~
20 ~~on or after April 1, 2010, he or she shall be fingerprinted at the~~
21 ~~same time of initial assessment by a social worker, in the recipient's~~
22 ~~home, as specified in the protocols and procedures developed by~~
23 ~~this section.~~

24 ~~(2) For any recipient already receiving in-home supportive~~
25 ~~services on April 1, 2010, during the recipient's next reassessment,~~
26 ~~a social worker shall obtain fingerprint images for that recipient,~~
27 ~~in the recipient's home, pursuant to this section.~~

28 ~~(c) Fingerprint imaging information obtained from a recipient~~
29 ~~pursuant to this section shall remain confidential, and shall only~~
30 ~~be used for identification purposes directly connected with the~~
31 ~~provision of supportive services to that recipient and program~~
32 ~~integrity.~~

33 ~~(d) An individual who is a minor or who is physically unable~~
34 ~~to provide fingerprints due to amputation or other physical~~
35 ~~limitations shall be exempt from any requirement to provide~~
36 ~~fingerprints under this section.~~

37 ~~(e) Upon completion of the development of protocols and~~
38 ~~procedures pursuant to subdivision (a), the department shall be~~
39 ~~authorized to take the necessary steps to implement this section~~
40 ~~by April 1, 2010.~~

1 SEC. 3. Section 12305.85 of the Welfare and Institutions Code
2 is repealed.

3 ~~12305.85. (a) A provider enrollment form shall be completed~~
4 ~~using the provider's physical residential address, and shall not be~~
5 ~~completed using a post office box address.~~

6 ~~(b) A paycheck for a provider shall not be mailed to a post office~~
7 ~~box unless the county approves a written or oral request from the~~
8 ~~provider, which shall include an explanation of the circumstances~~
9 ~~that make the use of a post office box appropriate or necessary.~~
10 ~~The county shall document an oral request received pursuant to~~
11 ~~this subdivision the provider's request and the county's approval~~
12 ~~or disapproval shall be retained in the provider's file.~~